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मध्यप्रदेश राजपत्र

(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 100]

भोपाल, शुक्रवार, दिनांक 17 मार्च 2023—फाल्गुन 26, शक 1944

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 17 मार्च 2023

क्र. 4777-81-इक्कीस-अ-(प्रा.)- भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश उद्योगों की स्थापना एवं परिचालन का सरलीकरण विधेयक, 2023 (क्रमांक 3 सन् 2023) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा, प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अतिरिक्त सचिव.

MADHYA PRADESH BILL
No. 3 OF 2023

**THE MADHYA PRADESH UDHYOGON KI STHAPNA EVAM PARICHALAN KA
SARALIKARAN VIDHEYAK, 2023**

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MADHYA PRADESH BILL

No. 3 OF 2023

THE MADHYA PRADESH UDHYOGON KI STHAPNA EVAM PARICHALAN KA
SARALIKARAN VIDHEYAK, 2023

A Bill to provide for exemption from obtaining specified approvals and inspections for establishing and operationalising industrial units in Madhya Pradesh and matters connected therewith or incidental thereto.

Be it enacted by the Madhya Pradesh Legislature in the seventy-fourth year of the Republic of India as follows:-

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|-----|--|------------------------------------|
| 1. | This Act may be called the Madhya Pradesh Udyogon Ki Sthapna Evam Parichalan Ka Saralikaran Adhiniyam, 2023.
(2) it extends to the whole of the State of Madhya Pradesh. | Short title
and extent. |
| 2. | In this Act, unless the context otherwise requires,- | Definitions. |
| (a) | "acknowledgment certificate" means the acknowledgment certificate issued under Section 7; | |
| (b) | "approval" means any permission, no-objection, clearance, consent, registration, licence and the like which is required, in connection with the establishment or operation of an industrial unit in the notified area; | |
| (c) | "applicable Acts" means the Boilers Act, 1923 (5 of 1923), the Factories Act, 1948 (63 of 1948), the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Employees State Insurance Act, 1948 (34 of 1948), the Minimum Wages Act, 1948 (11 of 1948), the payment of Bonus Act, 1965 (21 of 1965), the Payment of Wages Act, 1936 (4 of 1936), the Maternity Benefit Act, 1961 (53 of 1961), the Payment of Gratuity Act, 1972 (39 of 1972), the Equal Remuneration Act, 1976 (25 of 1976), The Madhya Pradesh Shops and Establishment Act, 1958 (No. 25 of 1958), The Legal Metrology Act, 2009 (1 of 2010), the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956), the Madhya Pradesh Municipalities Act, 1961 (No.37 of 1961), the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam 1973 (No. 23 of 1973), the Madhya Pradesh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 (No. 1 of 1994), the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), the Electricity Act, 2003 (36 of 2003), the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) and the Environment (Protection) Act, 1986 (29 of 1986); | |
| (d) | "commencement of commercial operation" means the date on which the industrial unit issues the first bill or invoice or tax invoice, whichever is earlier, of the goods manufactured or services rendered; | |

- (e) "competent Authority" means any department or agency of the Government or a Local Authority, Statutory Body, state owned corporation, Panchayati Raj Institution, Municipality, urban Development Authorities, or any other Authority or Agency constituted or established by or under any state Law or under administrative control of the Government, which is entrusted with the powers or responsibilities to grant or issue approval for establishment or operation of an industrial unit in the State;
- (f) "Government" means the Government of Madhya Pradesh;
- (g) "industrial unit" means an undertaking engaged in manufacturing or processing or both or providing services which the State Government may specify;
- (h) "intention to invest" means a proposal referred to in section 7;
- (i) "Madhya Pradesh Industrial Development Corporation Limited" means a wholly owned company of Government, registered under the companies Act, 2013 (18 of 2013) having headquarter at Bhopal, Madhya Pradesh;
- (j) "nodal agency" means the nodal agency referred to in section 5;
- (k) "notification" means a notification published in the Madhya Pradesh Gazette and the word 'notified' shall be construed accordingly;
- (l) "notified area" means a geographical delimitation notified under section 3;
- (m) "prescribed" means prescribed by the rules made under this Act;
- (n) "State" means the State of Madhya Pradesh; and
- (o) "State Level Empowered Committee (SLEC)" means State Level Empowered Committee constituted under section 4.

**Power to
notify areas.**

3. The Government may notify such areas within which any industrial unit, being established or operationalized shall be eligible to seek acknowledgement certificate under section 7.

**State level
Empowered
Committee.
(SLEC)**

4. (1) The Government may, by notification, constitute a State Level Empowered Committee consisting of such members as may be specified therein.
- (2) The State Level Empowered Committee shall-
 - (a) propose areas to be notified under section 3;
 - (b) assist industrial units to obtain acknowledgement certificate;
 - (c) facilitate amicable settlement of disputes, if any, between an industrial unit and any Competent Authority;
 - (d) exercise and perform such other powers and function as assigned by the Government for giving effect to the provision of this Act.

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| 5. | The Madhya Pradesh Industrial Development Corporation Limited shall be the nodal agency for the purposes of this Act, unless the Government by notification, authorizes any other agency of the state, as the nodal agency for such notified areas as it may considers appropriate. | Nodal Agency. |
| 6. | <p>(1) The nodal agency shall assist and facilitate establishment of industrial units in the notified areas.</p> <p>(2) The nodal agency shall maintain the record of intention to invest received and acknowledgement certificate issued under this Act;</p> <p>(3) The Government may assign such other powers and functions to the nodal agency as it may deem appropriate for giving effect to the provisions of this Act.</p> | Powers and Function of nodal agency. |
| 7. | <p>(1) Any person who intends to start an industrial unit in a notified area may furnish to the nodal agency an intention to invest in such form and in such manner, as may be prescribed.</p> <p>Explanation.- Any person who has applied to the Competent Authority for obtaining all or any of the approvals may also opt to furnish intention to invest under this sub-section.</p> <p>(2) On receipt of intention to invest, completed in all respects, the nodal agency may issue an acknowledgment certificate in such form and manner as may be prescribed.</p> | Intention to invest. |
| 8. | <p>(1) Subject to the provisions of this act an acknowledgment Certificate shall have the effect of an approval, for a period of three years from the date of its issuance.</p> <p>Provided that the acknowledgement certificate shall not entitle any person to use any parcel of land contrary to the provisions of the layout approved by a Competent Authority or the development plan notified under the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam 1973 (No. 23 of 1973), where such plan is in force.</p> <p>Explanation.-Any person who furnishes intention to invest may specify the approvals in respect of which acknowledgement certificate is being applied for.</p> <p>(2) Industrial units commencing commercial operations prior to the expiry of the period of three years from the date of issue of acknowledgment certificate, shall be required to obtain all the necessary approvals before the commencement of commercial operations;</p> <p>(3) During the period of three years specified in sub section (1), no Competent Authority shall undertake any inspection for the purpose of, or in connection with, any approval :</p> | Effect of the acknowledgement Certificate |

Provided that inspections shall be carried only when the industrial unit applies for approvals, prior to the commencement of commercial operation or after expiry of three years from the date of issuance of acknowledgment certificate.

Exemption	9.	Where the Government or any authority of the State is empowered to exempt any industrial unit from any approval or inspection or any provisions relating thereto under any Central Act, the Government or, any such authority, as the case may be, shall, subject to the provisions of such Central Act, exercise such powers to grant such exemption to an industrial unit established in the State from the date of issue of the acknowledgement certificate under section 7.
Protection of action taken in good faith	10.	No suit, prosecution or other legal proceedings shall lie against the Government or State Level Empowered committee or Nodal Agency or Competent Authority or any employee of Government, Nodal Agency or Competent Authority or Members of State Level Empowered Committee for anything which in good faith is done or intended to be done under this Act or any rules made thereunder.
Ordinance to override State laws.	11.	<p>(1) The provisions of this Act shall have effect, notwithstanding anything contained in any other State law for the time being in force.</p> <p>(2) In particular and without prejudice to the generality of the foregoing provisions of this Act, such provisions shall have effect notwithstanding anything contained in the applicable Acts and the provisions of the applicable Acts shall be read as amended in conformity with the provisions of this Act.</p> <p>(3) In particular and without prejudice to the generality of the foregoing provisions of this Act, such provisions shall have effect notwithstanding anything contained in the rules and regulations made under the applicable Acts and the provisions of such rules and regulations shall be read as amended in conformity with the provisions of this Act;</p>
Overriding effect of Central Act.	12.	In the event of any conflict between the provisions of this Act and any Central Act, such Central Act shall have overriding effect.
Applicability	13.	Nothing in this Act shall be construed as exempting any industrial unit from the application of the provisions of any law for the time being in force, or any regulatory measures and standards prescribed thereunder, except to the extent provided in this Act.
Power to make rules	14.	<p>(1) The State Government may, by notification, make rules to carry out the provisions of this Act</p> <p>(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the State Legislature.</p>
Power to remove difficulties	15.	If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty

16. (1) The Madhya Pradesh Udyogon Ki Sthapana Evam Parichalan Ka Saralikaran Adhyadesh, 2023 (No. 1 of 2023) is hereby repealed. **Repeal and saving**
- (2) Notwithstanding the repeal of the said ordinance, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provision of this Act.

STATEMENT OF OBJECTS AND REASONS

It is felt necessary to make a law to provide for exemption for obtaining specified approvals and inspections for establishing and operationalising industrial units in Madhya Pradesh for a period of three years, in the areas earmarked and notified by the Government of Madhya Pradesh. This will facilitate in reducing compliance burden on the industries and help them in reducing the time for the commencement of commercial operations. This will enable an atmosphere of mutual trust and ensure inclusive growth of the State.

2. As the matter was urgent and the Madhya Pradesh Legislative Assembly was not in session, therefore, the Madhya Pradesh Udyogon Ki Sthapna Evam Parichalan Ka Saralikaran Adhyadesh, 2023 (No. 1 of 2023) was promulgated for the purpose. It is now proposed to replace the said Ordinance by an Act of the State Legislature Assembly without any modification.
3. Hence this Bill.

Bhopal
Date 1st March, 2023

RAJYAVARDHAN SINGH DATTIGAON
Member-in-Charge